

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

ABRUZZO DOCG INC. d/b/a  
TARALLUCCI E VINO, et al.,

Plaintiffs,

v.

ACCEPTANCE INDEMNITY INSURANCE  
COMPANY, et al.,

Defendants.

Civil Action No.: 1:20-cv-04160-MKB-JO

**DEFENDANT ADMIRAL INDEMNITY INSURANCE COMPANY'S  
JOINDER IN OPPOSITION TO REMAND**

Defendant Admiral Indemnity Company (“Admiral”), by and through its attorneys, Robinson & Cole LLP, hereby joins in “Defendants’ Memorandum of Law in Opposition to Plaintiffs’ Motion to Remand” filed by co-defendant Acceptance Indemnity Insurance Company on October 20, 2020 (the “Opposition to Remand”). Admiral incorporates, adopts, and joins in the arguments and analysis set forth in the Opposition to Remand.

In further support of the Opposition to Remand, Admiral provides the following factual information. Admiral is alleged to have insured the following Plaintiffs in this lawsuit: (1) Bobo Restaurant, LLC, d/b/a Bobo; (2) 18 Greenwich Avenue LLC, d/b/a Rosemary’s; (3) 1 Perry LLC d/b/a Roey’s<sup>1</sup>; (4) 24 5th Ave LLC d/b/a Claudette<sup>2</sup>; (5) Happy Cooking LLC d/b/a Joseph Leonard; (6) Penmanship LLC d/b/a Jeffrey’s Grocery; (7) Little Wisco LLC d/b/a Fedora; (8) George Marcel LLC d/b/a Fairfax; (9) St. Helene LLC d/b/a bar Sardine; (10) Captain Haddock

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<sup>1</sup> The Amended Complaint’s Fifth Cause of Action concerns the claims made by the Bobo, Rosemary’s and Roey’s restaurants, which were insured under a single Admiral policy. (Amended Complaint, ECF Nos. 1-40 & 1-41 (the “Am. Compl.”), ¶ 251).

<sup>2</sup> The Amended Complaint’s Fourteenth Cause of Action concerns the claims made by the Claudette restaurant, which was insured under a single Admiral policy. (*Id.*, ¶ 252).

LLC<sup>3</sup>; (11) Javelina Tex-Mex LLC, d/b/a Javelina<sup>4</sup>; (12) L'Atelier NYC LLC<sup>5</sup>; (13) Leonelli Restaurants LLC<sup>6</sup>; (14) 68 Clinton Restaurant Associates LLC d/b/a Pig & Khao<sup>7</sup>; (15) Racines NYC LLC<sup>8</sup>; (16) La Vecchia LLC d/b/a Tarallucci e Vino Nomad; (17) Abruzzo Docg Inc. d/b/a Tarallucci e Vino Union Square; (18) Monopolio LLC d/b/a Tarallucci e Vino Cooper Hewitt; (19) Il Rifugio Inc. d/b/a Tarallucci e Vino Upper West Side<sup>9</sup>; and (20) 53rd Street Fine Dining, LLC<sup>10</sup> (Am. Compl., ¶¶ 251, 252, 367, 383, 419, 427, 486, 504, 562, 588). The Admiral Insureds were all insured under insurance policies issued by Admiral and all assert claims arising out of or related to their insurance contract. None of the other Plaintiffs make any claims against Admiral.

Admiral is incorporated in Delaware, with its principal place of business in New Jersey. (*Id.*, ¶ 128). None of the four Plaintiffs to the Fifty-Eighth Cause of Action are citizens of Delaware or New Jersey, and there is therefore complete diversity between the Plaintiffs to the Fifty-Eighth Cause of Action and Admiral. (*Id.*, ¶ 562). Specifically, Plaintiffs Abruzzo Docg Inc. and Il Rifugio Inc. are New York corporations with their principal place of business in New York. (*Id.*, ¶¶ 32, 62). Plaintiffs La Vecchia LLC and Monopolio LLC are New York limited liability companies (*id.*, ¶¶ 67, 74) with members that are citizens of New York. (ECF No. 68, ¶¶

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<sup>3</sup> The Amended Complaint's Thirty-First Cause of Action concerns the claims made by the Joseph Leonard, Jeffrey's Grocery, Fedora, Fairfax, bar Sardine, and Captain Haddock LLC restaurants, which were insured under a single Admiral policy. (*Id.*, ¶¶ 41, 367).

<sup>4</sup> The Amended Complaint's Thirty-Third Cause of Action concerns the claims made by the Javelina Union Square restaurant, which was insured under a single Admiral policy. (*Id.*, ¶ 383).

<sup>5</sup> The Amended Complaint's Thirty-Ninth Cause of Action concerns the claims made by the L'Atelier restaurants, which were insured under a single Admiral policy. (*Id.*, ¶ 419).

<sup>6</sup> The Amended Complaint's Fortieth Cause of Action concerns the claims made by the Leonelli restaurants, which were insured under a single Admiral policy. (*Id.*, ¶ 427).

<sup>7</sup> The Amended Complaint's Forty-Seventh Cause of Action concerns the claims made by the Pig & Khoa restaurant, which was insured under a single Admiral policy. (*Id.*, ¶ 486).

<sup>8</sup> The Amended Complaint's Forty-Ninth Cause of Action concerns the claims made by the Racines restaurant, which was insured under a single Admiral policy. (*Id.*, ¶ 504).

<sup>9</sup> The Amended Complaint's Fifty-Eighth Cause of Action concerns the claims made by the Tarallucci e Vino Nomad, Tarallucci e Vino Union Square, Tarallucci e Vino Cooper Hewitt, and Tarallucci e Vino Upper West Side restaurants, which were insured under two different Admiral policies. (*Id.*, ¶ 562).

<sup>10</sup> The Amended Complaint's Sixty-Second Cause of Action concerns the claims made by the 53rd Street Fine Dining restaurants, which were insured under a single Admiral policy. (*Id.*, ¶ 588).

35, 42). There is thus complete diversity of citizenship between Admiral and Abruzzo Docg Inc., Il Rifugio Inc., La Vecchia LLC, and Monopolio LLC. Additionally, as those Plaintiffs have not disputed, the amount in controversy between Admiral and the Plaintiffs to the Fifth-Eighth Cause of Action, exclusive of interest and costs, exceeds \$75,000.00. Out of respect for any confidentiality concerns the those Plaintiffs may have with respect to their financial information, Admiral has not set forth their financial information in detail herein. Admiral would submit this information under seal if the Plaintiffs so request and the Court allows.

As such, and as discussed in the Opposition to Remand, the Court should maintain Admiral's right of removal based on diversity jurisdiction and deny Plaintiffs' Motion to Remand.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on October 20, 2020, a copy of the foregoing was served via email to  
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